



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/428,756	10/28/1999	TAKESHI ITO	SCEI16.549	5059

26304 7590 04/04/2003

KATTEN MUCHIN ZAVIS ROSENMAN
575 MADISON AVENUE
NEW YORK, NY 10022-2585

EXAMINER

MILLER, MARTIN E

ART UNIT PAPER NUMBER

2623

DATE MAILED: 04/04/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/428,756

Applicant(s)

ITO, TAKESHI

Examiner

Martin Miller

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 January 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 5-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 5-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. The amendment filed January 7, 2003 has been entered into the record. Accordingly, claims 1-4 have been canceled and claims 5, 7, 9 and 11 have been amended. New claims 13-20 have been added.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 5-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kagan et al., (hereinafter Kagan), US 5618045 and Baer, US 3993861. Of these claims independent claim 9 is the most detailed and will be addressed, independent claims 5, 7, and 11 merely recite broader limitations of claim 9.

As per claims 5 and 7, Baer teaches:

a light sensing means (photosensor 22, fig. 2) that senses the light of part or all of the moving image displayed on a display means (fig. 2, element 16);

a digital decoding means that detects the change in each unit time(a rate exceeding the vertical picture field rate, col. 2, ll. 27-29) in the color of part or all of the moving image sensed by said light sensing means (col. 2, ll. 30-33) and decodes (col. 7, ll. 18-20, 22-30) and generates

Art Unit: 2623

digital data (col. 7, l. 28-30 and 35-41). Baer does not teach displaying content on his light sensing means. However, Kagan teaches:

wherein said light sensing means further comprises a display and means for displaying said moving image (col. 3, ll. 49-52 and col. 4, ll. 48-50).

It would have been obvious to one of ordinary skill in the art to use the information decoding scheme of Baer, which can be used to apply electrical signals to external equipment (e.g. a CRT display)(Baer, col. 2, ll. 33-37), to coordinate an ad-hoc wireless gaming network of Kagan to facilitate game playing by multiple players (Kagan, col. 3, ll. 12-20).

As per claims 6 and 8, Baer teaches:

wherein the color change at least on of the elements hue, brightness and chroma changes. (col. 4, ll. 1-5).

As per claim 9, Baer teaches:

an image data encoding means that encodes (data in the form of binary-coded, digital brightness modulation, col. 2, ll. 26-27), each unit time (a rate exceeding the vertical picture field rate, col. 2, ll. 27-29), the color of part or all of a moving image based on digital data that is input and generates image data (col. 4, ll. 2-6); and

a transmission means that transmits said image data (col. 1, ll. 60-65, col. 2, ll. 25, 52-65);

and said data receiver including

a reception means (at the receiving end, col. 2, ll. 29-30, fig. 1, element 16) that receives image data,

Art Unit: 2623

a display means that displays a moving image based on image data (fig. 1, element 16a, col. 4, ll. 1-5);

Although Baer teaches a light sensing means (col. 2, ll. 30-33), Baer does not teach displaying content on his light sensing means. However, Kagan teaches:

a light sensing means that senses a part or all of the moving image displayed on said display means, said light sensing means having a display (col. 4, ll. 43-45),

Baer goes on to teach:

a digital data decoding means (col. 6, ll. 24-42) that detects the change each unit time in the color of part or all of the moving image sensed by said light sensing means and decodes and generates the digital data (col. 7, ll. 18-20, 27-31), and

Kagan teaches:

means for displaying said moving image on the display of said light sensing means (col. 44-51).

As per claim 10, Baer teaches:

wherein the color change at least on of the elements hue, brightness and chroma changes. (col. 4, ll. 1-5).

As per claim 11, Baer teaches:

generating encoded image data (data in the form of binary-coded, digital brightness modulation, col. 2, ll. 26-27) in which the color of part or all of a moving image is changed in each unit time (a rate exceeding the vertical picture field rate, col. 2, ll. 27-29) based on digital data (col. 4, ll. 1-5);

Art Unit: 2623

displaying the moving image on a display means based on said image data (fig. 2, element 16);

sensing the light of part or all of the moving image displayed on said display means (col. 2, ll. 30-33);

detecting a change in each unit time (light sensor develops, col. 7, l. 16-18) in the color of part (white flicker) or all of the moving image whose light is detected, and decoding the digital data (decoder/demodulator 24, fig. 2, col. 7, ll. 19-30),

Kagan goes on to teach:

wherein said sensing is performed with a light sensing device having a display and means for displaying said moving image on said display of said light sensing device (col. 4, ll. 43-52).

As per claim 12, Baer teaches:

wherein the color change at least on of the elements hue, brightness and chroma changes. (col. 4, ll. 1-5).

As per claim 13, Baer teaches:

wherein said means for displaying said moving image on said light sensing means is dependent on said digital data that is generated and decoded from said data decoding means (col. 2, ll. 33-34). Kagan teaches that the light sensing device can incorporate a display (Kagan, col. 4, ll. 47-51).

As per claim 14, Kagan teaches:

the step of displaying said moving image on said display of said light sensing means (col. 4, ll. 45-53).

As per claim 15, Kagan teaches:

Art Unit: 2623

the step of removing said moving image from said display means after displaying said moving image on said display of said light sensing means (Illustrative of this type of limitation and how it merely is a design choice is the description in Kagan of a PacMan-type of game, see col. 4, ll. 55-67). It would have been obvious to one of ordinary skill in the art to remove the moving image to provide new "moving" images with further information to be decoded.

As per claim 16, Kagan teaches:

wherein said moving image is displayed on the display of said light sensing means after said light sensing means senses a part or all of the moving image displayed on said display means (col. 4, ll. 46-51).

As per claim 17, it recites substantially the same limitations as claim 15 above and analogous remarks apply.

As per claims 19 and 20, they recite substantially the same limitations as claims 16 and 17 above and analogous remarks apply.

As per claim 18, Kagan teaches:

wherein light sensing means is a portable communication terminal (figures 1 and 2) including storage means for storing one or more images displayed on said light sensing means display. It would have been obvious to one of ordinary skill in the art to use the memory associated with the processor of Kagan as shown in Figure 2 to store images from the game for later recall.

Conclusion

Art Unit: 2623


4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Martin Miller whose telephone number is (703) 306-9134. The examiner can normally be reached on Monday-Friday, 9am-5pm.

5. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amelia Au can be reached on (703) 308-6604. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.


AMELIA M. AU
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

UKM
9/3/03